

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claim 25 will have been amended and claim 26 will have been canceled without prejudice or disclaimer. Accordingly, claims 11 - 25 and 27 - 30 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has objected to the drawings and Abstract and has rejected claims 11 - 30 over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Drawing Objection is Moot

Applicants submit that, by the concurrently submitted change to Figure 1, which is now identified as "Prior Art," the objection to the drawings is moot. Further, Applicants submit that no prohibited new matter has been included in amended Figure 1.

Accordingly, Applicants request that the Examiner acknowledge the same in the next official communication to the undersigned.

Objection to the Specification is Moot

By the present amendment, Applicants note that an Abstract of the Disclosure has been submitted for entry in the instant application. The Abstract is attached to this response

as part of the Appendix.

Accordingly, Applicants request entry of the Abstract and reconsideration and withdrawal of the objection to the Specification.

Traversal of Rejection Under 35 U.S.C. § 102(a)

Applicants traverse the rejection of claims 25 and 27 - 30 under 35 U.S.C. § 102(b) as being anticipated by EASTTY et al. (U.S. Patent No. 6,359,632) [hereinafter "EASTTY"]. The Examiner asserts that EASTTY shows all of the recited features of the claims at issue. Applicants traverse the Examiner's assertions.

Applicants initially note that, as EASTTY issued subsequently to the October 21, 1999 U.S. filing date of the instant application, this document is not prior art under 35 U.S.C. § 102(a). However, in an effort to advance prosecution of the instant application, independent claim 25 has been amended to include the features recited in claim 26, now canceled. Further, as the Examiner has acknowledged that the subject matter of claims 25 and 26 is not anticipated by EASTTY, i.e., claim 26 has not been rejected as anticipated by EASTTY, Applicants submit that the instant rejection is moot.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 25 and 27 - 30 under 35 U.S.C. § 102(a) and indicate that these claims are allowable.

Moreover, Applicants note that, while claim 25 has been amended, it has been

amended to recite the subject matter originally recited in claim 26. As this subject matter of amended claim 25 was originally recited in the instant application, Applicants submit that the instant amendment does not narrow the scope of originally recited subject matter of the instant application. Thus, while claim 25, as originally presented, may be narrowed by the instant amendment, claim 25 now recites the originally recited subject matter of original claim 26, whose scope has not been narrowed from its original presentation. Accordingly, Applicants submit that no estoppel should be deemed to attach the instant amendment of claim 25.

Traversal of Rejection Under 35 U.S.C. § 103(a)

1. Over Eastty in view of Bergmann

Applicants traverse the rejection of claims 11 - 16 and 19 - 24 under 35 U.S.C. § 103(a) as being unpatentable over EASTTY in view of BERGMANN et al. (U.S. Patent No. 5,859,631) [hereinafter “BERGMANN”]. The Examiner asserts that, while EASTTY does not show a carrier for the at least two elements in front of the screen, it would have been obvious to provide such a carrier in view of BERGMANN. Applicants traverse the Examiner’s assertions.

Applicants’ independent claim 11 recites, *inter alia*, at least two elements and a carrier *located, relative to a viewing direction of the screen, in front of the screen*, and a computer coupled to the at least two elements *via connections in front of said screen*. Applicants

submit that no proper combination of the applied documents teaches or suggests the above-noted features of the invention.

Applicants note that EASTTY is directed to a touch screen for an audio signal processing system. In particular, EASTTY utilizes the touch screen to enter and change desired parameters. However, Applicants note that EASTTY fails to provide any teaching or suggestion of at least two elements and a carrier located in front of the screen, as recited in at least independent claim 11. Moreover, Applicants note that EASTTY likewise fails to provide any teaching or suggestion of a computer coupled to the at least two elements via connections in front of the screen, as recited in at least independent claim 11.

In fact, Applicants note that the screen viewed by the user of EASTTY is not the same as the touch screen utilized for entering and changing parameters. EASTTY discloses that proximity of the user's hand to the display screen can be viewed on view screen so that the user can "track his hands across the fader panel without having to look down." Column 4, lines 39 - 40. Thus, Applicants note that this further shows that EASTTY fails to provide any suggestion of at least two elements and a carrier located in front of the screen, and/or a computer coupled to the at least two elements via connections in front of the screen, as recited in at least independent claim 11.

Moreover, Applicants note that, as BERGMANN fails to teach or suggest the presently recited subject matter noted above as deficient in EASTTY, BERGMANN fails to

cure the above-noted defects of EASTTY. Applicants note that, while BERGMANN discloses a front panel that includes knobs and several panel layers, there is no teaching or suggestion that panel layer 6, on which the contacts or flat cables are attached, is a screen for displaying the entered and/or adjusted values, or that a computer is coupled to the at least two elements via connections in front of the screen, each of which is recited in at least Applicants' independent claim 11.

Because neither EASTTY nor BERGMANN disclose at least the above-noted features of the instant invention, Applicants submit that no proper combination of these documents can render unpatentable the combination of features recited in at least independent claim 11.

Further, Applicants note that, as the panels for entering and/or changing data are different from each other, the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner. In particular, Applicants note that EASTTY provides proximity detectors to monitor the position of the user's hands relative to the data entry panel to facilitate the user's adjustment of the data, i.e., the hand position is made visible on the display screen, which is separate from the data entry panel.

In contrast to EASTTY, BERGMANN discloses a panel that can be attached to a display screen so that the display screen can be visible through the panel.

However, Applicants note that there is no teaching or suggestion that the data entry

panel of EASTTY can be structured to fit on the display screen of BERGMANN. That is, because neither document provides any teaching or suggestion with regard to the relative sizes of their disclosed devices, the art of record fails to provide any suggestion that it would have been obvious to combine these devices in the manner asserted by the Examiner.

Moreover, Applicants note that, while BERGMANN shows a cover panel to cover the knob contacts, there is no teaching or suggestion in BERGMANN that this cover panel would enable the touch screen elements of EASTTY to operate in their intended manners. That is, BERGMANN also discloses an insulating layer located between the outer layer 2 and layer 6 on which the knob contacts are connected, which would appear to prevent the desired operation of the touch sensors of EASTTY, if provided beneath the insulating layer and on panel 6 of BERGMANN.

Because the sensors of EASTTY would not operate in their intended manners if modified to be located underneath a cover layer and an insulating layer, as suggested by the Examiner, Applicants submit that the art of record fails to provide the necessary rationale for combining EASTTY and BERGMANN in the manner asserted by the Examiner.

Further, Applicants note that, even assuming, *arguendo*, that the art of record suggested modifying EASTTY to utilize the panel and knobs of BERGMANN (which Applicants submit it does not), no proper combination of these documents would render obvious the connection of the at least two elements and carrier in front of the screen, or the

connection of the computer to the at least two elements in front of the screen, as recited in at least independent claim 11. Moreover, Applicants note that, as EASTTY does not require viewing of the control panel, there would not appear to be any benefit to modifying EASTTY to include a panel such as disclosed by BERGMANN. Thus, Applicants submit that the asserted combination of documents would not have been obvious.

Therefore, Applicants request that the Examiner reconsider and withdraw the rejection of at least independent claim 11, and indicate that this claim is allowable. Further, Applicants submit that claims 12 - 16 and 19 - 24 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of EASTTY in view of BERGMANN teaches or suggests, *inter alia*, set values of the at least one of the manually entered and adjusted values depend upon a position of said at least two elements, as recited in claim 12; said carrier includes transparent regions assigned to said at least two elements, as recited in claim 13; said computer determines a configuration for the processing of the audio signals in the signal processor, as recited in claim 14; a device for mounting electronic components is positioned between said carrier and said screen for mounting electronic components, as recited in claim 15; said device for mounting electronic components is positioned on said carrier, as recited in claim 16; said computer is structured and arranged to determine a configuration of the device by detecting

positions of said at least two elements, as recited in claim 19; additional elements which are different from said at least two elements are associated with said screen, as recited in claim 20; said computer is structured and arranged to acquire states of said at least two elements via signals in said at least two fields of said screen and to display these states on said screen, as recited in claim 21; said acquired states include signal paths, lever positions, filters, dynamic changing processors, size of signals, position and variation of the position of said at least two elements, as recited in claim 22; at least one of said at least two elements comprises an operating element structured and arranged for configuring an audio mixer, as recited in claim 23; and at least one of said at least two elements comprises an operating element structured and arranged for setting parameters for the processing of the audio signals, as recited in claim 24.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 11 - 16 and 19 - 24 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

2. *Over Eastty and Bergmann in view of Silfvast*

Applicants traverse the rejection of claim 17 under 35 U.S.C. § 103(a) as unpatentable over EASTTY and BERGMANN in view of SILFVAST (U.S. Patent No. 5,959,610). The Examiner asserts that, while neither EASTTY nor BERGMANN disclose at least one shift encoder, it would have been obvious to modify these documents to include such a device in

view of the teachings of SILFVAST. Applicants traverse the Examiner's assertions.

Applicants submit that SILFVAST fails to teach or suggest the subject matter noted above as deficient in the asserted combination of EASTTY and BERGMANN. In particular, SILVFAST fails to teach or suggest at least two elements and a carrier connected in front of the screen recited in at least independent claim 11, and fails to teach or suggest a computer coupled to the at least two elements via connections in front of the screen, as recited in independent claim 11.

Because none of the applied documents teaches or suggests at least the above-noted features of the instant invention, Applicants submit that no proper combination of these documents can render unpatentable the combination of features recited in at least independent claim 11.

Further, Applicants note that SILFVAST fails to teach or suggest the requisite motivation to render the above-asserted combination of EASTTY and BERGMANN proper. In particular, SILVFAST fails to provide any teaching that would render obvious the Examiner's combination of two teachings of EASTTY and BERGMANN.

Further, Applicants note that the art of record fails to provide any teaching or suggestion for modifying any proper combination of EASTTY and BERGMANN to include the disclosed features of SILFVAST. In particular, Applicants note that it is not apparent from the applied art how one ordinarily skilled in the art would modify the touch screen of

EASTTY in order to utilize the mechanical device of SILFVAST. Moreover, Applicants note that, as it is not apparent that the proximity devices would remain following the Examiner asserted modification of the applied art, it would not appear that the user would be able to find his hands without looking down at the control panel, which is contrary to the express intention of EASTTY.

Thus, Applicants submit that, as asserted combination of art would result in a system that operates in a manner contrary to the intended operation of EASTTY, the Examiner's asserted modification of EASTTY is improper and should be withdrawn. Further, as the asserted combination is improper, the asserted rejection is likewise improper.

Further, Applicants submit that claim 17 is allowable at least for the reason that it depends from an allowable base claim and because it recites additional features that further define the present invention. In particular, Applicants submit that no proper combination of EASTTY and BERGMANN in view of SILFVAST teaches or suggests, *inter alia*, said at least two elements include at least one shaft encoder, as recited in claim 17.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claim 17 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

3. *Over Eastty and Bergmann in view of Jaeger*

Applicants traverse the rejection of claim 18 under 35 U.S.C. § 103(a) as unpatentable over EASTTY and BERGMANN in view of JAEGER (U.S. Patent No. 5,786,811). The

Examiner asserts that, while neither EASTTY nor BERGMANN disclose at least one linearly adjustable transmitter, it would have been obvious to modify these documents to include such a device in view of the teachings of JAEGER. Applicants traverse the Examiner's assertions.

Applicants submit that JAEGER fails to teach or suggest the subject matter noted above as deficient in the asserted combination of EASTTY and BERGMANN. In particular, JAEGER fails to teach or suggest at least two elements and a carrier connected in front of the screen recited in at least independent claim 11, and fails to teach or suggest a computer coupled to the at least two elements via connections in front of the screen, as recited in independent claim 11.

Because none of the applied documents teaches or suggests at least the above-noted features of the instant invention, Applicants submit that no proper combination of these documents can render unpatentable the combination of features recited in at least independent claim 11.

Further, Applicants note that JAEGER fails to teach or suggest the necessary rationale for rendering the above-asserted combination of EASTTY and BERGMANN proper. In particular, Applicants submit that JAEGER fails to provide any suggestion for combining the teachings of EASTTY and BERGMANN in the manner asserted by the Examiner.

Further, Applicants note that the art of record fails to provide any teaching or suggestion for modifying any proper combination of EASTTY and BERGMANN to include

the disclosed features of JAEGER. In particular, Applicants note that it is not apparent from the applied art how one ordinarily skilled in the art would modify the touch screen of EASTTY in order to mount and utilize the mechanical device of JAEGER in its intended manner. Moreover, Applicants note that, as it is not apparent that the proximity devices would remain following the Examiner asserted modification of the applied art, it would not appear that the user would be able to find his hands without looking down at the control panel, which is contrary to the express intention of EASTTY.

Thus, Applicants submit that, as asserted combination of art would result in a system that operates in a manner contrary to the intended operation of EASTTY, the Examiner's asserted modification of EASTTY is improper and should be withdrawn. Further, as the asserted combination is improper, the asserted rejection is likewise improper.

Further, Applicants submit that claim 18 is allowable at least for the reason that it depends from an allowable base claim and because it recites additional features that further define the present invention. In particular, Applicants submit that no proper combination of EASTTY and BERGMANN in view of JAEGER teaches or suggests, *inter alia*, said at least two elements include at least one linearly adjustable transmitter, as recited in claim 18.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claim 18 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

4. Over Eastty in view of LeBrat

Applicants traverse the rejection of claim 26 under 35 U.S.C. § 103(a) as unpatentable over EASTTY in view of LeBRAT et al. (U.S. Patent No. 5,339,166) [hereinafter “LeBRAT”]. The Examiner asserts that, while EASTTY fails to disclose an algorithm library, it would have been obvious to provide such an element in view of the teachings of LeBRAT. Applicants traverse the Examiner’s assertions.

Applicants note that, while claim 26 has been canceled without prejudice or disclaimer, independent claim 25 has been amended to additionally include the subject matter recited in original claim 26. Therefore, Applicants submit that independent claim 25 is allowable over any proper combination of the applied art.

As discussed above, Applicants’ note that EASTTY fails to teach or even suggest, *inter alia*, an algorithm library coupled to said computer and to said signal processor, as recited in independent claim 25, as now amended. While Applicants acknowledge that EASTTY discloses a random access memory and a program storage memory, Applicants note that EASTTY fails to provide any teaching or suggestion of utilizing such devices for storage and/or retrieval of an algorithm library. Moreover, EASTTY certainly fails to provide any suggestion as to how one ordinarily skilled in the art would access and use an algorithm library within the context of the EASTTY device.

Further, Applicants note that EASTTY fails to provide any teaching or suggestion of using an algorithm in operating his disclosed device, and certainly no suggestion for

including a library of algorithms. In this regard, Applicants note that the art of record is completely silent regarding the desirability of an algorithm library, and certainly to any information as to how such a library would be utilized in the operation of EASTTY.

In an effort to cure the above-noted defect of EASTTY, the Examiner has cited LeBRAT, which is directed to a motion dependent image classification for editing. Thus, in contrast to the audio processing system of EASTTY, LeBRAT is directed to a video analysis system. Because EASTTY and LeBRAT are directed to wholly distinct systems, Applicants submit that the art of record fails to provide the necessary motivation for modifying an audio processing device, such as EASTTY, to include a video processing algorithm library, such as taught by LeBRAT.

Further, Applicants submit that the art of record fails to provide any teaching or suggestion as to how, or even if, it would have been obvious to modify the video algorithms of LeBRAT to utilize with the audio processing device of EASTTY. Applicants further submit that, because EASTTY fails to provide any suggestion of selecting an algorithm for use in audio processing, and certainly no suggestion of selecting a video processing algorithm for audio processing, the art of record fails to provide any teaching or suggestion to those ordinarily skilled in the art how to utilize the LeBRAT library in an audio processing device.

Therefore, Applicants submit that, because the art of record fails to provide the

requisite motivation or rationale for modifying an audio processing device to include a video algorithm library, the asserted combination of documents is improper and should be withdrawn. Thus, Applicants submit that independent claim 25 is allowable, as are claims 27 - 30, which depend from independent claim 25.

Accordingly, Applicants request that the Examiner indicate that allowance of independent claims 25 and claims 27 - 30 in the next official communication.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The Commissioner is authorized to charge to Deposit Account No. 19 - 0089 any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 11 - 25 and 27 - 30. The applied references of record

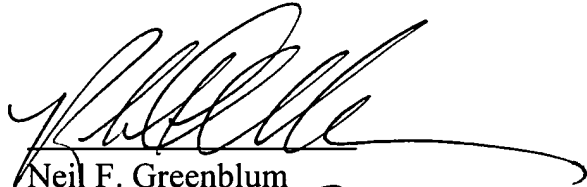
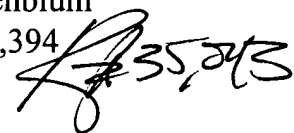
P20684.A06

have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Martin VOGEL et al.


Neil F. Greenblum
Reg. No. 28,394 

July 7, 2003
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Attachments: Replacement Drawing Sheet
 Annotated Sheet Showing Drawing Changes
 Abstract of the Disclosure